

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

JIMMY WAYNE WILLIAMS §
VS. § CIVIL ACTION NO. 9:13cv251
DEPARTMENT OF PUBLIC SAFETY §

**MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Jimmy Wayne Williams, proceeding *pro se*, brought the above-styled lawsuit against the Department of Public Safety.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends the action be dismissed for failing to state a claim upon which relief may be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record and pleadings. Plaintiff filed objections to the Magistrate Judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See FED. R. CIV. P. 72(b).*

After careful consideration, the court concludes plaintiff's objections are without merit. For the reasons set forth in the Report, plaintiff's complaint fails to state a claim upon which relief may be granted. After he received the report, plaintiff amended his complaint to include claims for equitable and injunctive relief. However, lawsuits against the States and their agencies are barred regardless of the relief sought. *Moore v. La. Bd. Of Elementary & Secondary Educ.*, 743 F.3d 959,

963 (5th Cir. 2014). Accordingly, plaintiff's complaint against the Department of Public Safety fails to state a claim upon which relief may be granted.

O R D E R

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

SIGNED this 3rd day of March, 2016.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE